

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
AUGUST 30, 2005
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:09 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Melina Castro, Presi Ortega, Jr., Eddie Holguin, Jr., Steve Ortega and Beto O'Rourke. Absent: None. Late arrival: Jose Alejandro Lozano at 9:17 a.m. The invocation was given by Pastor Ponce L. Brown, followed by the Pledge of Allegiance to the Flag of the United States of America.

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CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at http://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

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The following members of the public commented:

1. Ms. Esther Perez spoke on the adoption of the Minutemen Resolution.
2. Ms. Angelica Rosales spoke on police brutality.
Representative Steve Ortega stated for the record that Ms. Rosales is a good friend and a former girlfriend.
3. Mr. Edwin Martinez spoke on police brutality.
4. Mr. Hernando Chavira spoke on his resignation
5. Mr. Richard Shecter spoke on the Park at Wildwood Sub-Division.
Representative O'Rourke questioned Mr. Charlie McNabb, City Attorney, about briefing Council on Mr. Schecter's request.
Mr. McNabb responded to the question.

1st MOTION:

Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Shecter to speak during the Call to the Public portion of the meeting.

2nd MOTION:

Motion made by Representative O'Rourke, seconded by Representative Lilly and unanimously carried to allow Mr. Schechter an additional two (2) minutes to speak.

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Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote of the Consent Agenda will be shown with an asterisk {*}).

Representative Lozano was not present for the vote.

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*Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to approve the Minutes for Regular City Council Meeting of August 23, 2005 and Special City Council Meetings of July 22, August 22 (Agenda Review).

Representative Lozano was not present for the vote.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

That the City Manager be authorized to sign a Memorandum of Understanding to amend the Articles of Agreement between the CITY OF EL PASO and LOCAL 51, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS by adopting Fire Pay Schedule A-8a and ARFF Pay Schedule A-8b effective September 1, 2005, and Fire Pay Schedule A-9a and ARFF Pay Schedule A-9b effective June 1, 2006, and extending the contract period through September 30, 2006.

Mayor Cook commented.

Lisa Turner, citizen, commented.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

WHEREAS, *Preserve America* is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior, and the U.S. Department of Commerce that focuses the President's efforts to preserve our national heritage, support the economic vitality of our communities, and increase local participation in preserving the country's irreplaceable cultural and natural heritage assets; and

WHEREAS, this initiative is compatible with El Paso's interests and goals related to historic preservation; and

WHEREAS, the City of El Paso, Texas, is a city with multiple historic resources and designated historical sites and assets that has demonstrated a commitment to the protection of our community's heritage and the development of Heritage Tourism, particularly through efforts to preserve the historic Plaza Theater, located in Downtown El Paso; and

WHEREAS, the City of El Paso has shown its commitment to such efforts through the pursuit of historic designations, grant funds, and recognition at the State and federal levels for these assets and others throughout the city; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an application and related documents on behalf of the City of El Paso to apply for the designation of El Paso as a *Preserve America* Community; and be it further resolved

That El Paso will protect and celebrate our heritage, use our historic assets for economic development and community revitalization, and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

That, in accordance with a August 19, 2005 recommendation by the Economic and Community Development Legislative Review Committee, City Council adopt the policies and priorities for the 32nd Year (2006-2007) Community Development Block Grant (CDBG) Program and for the Fiscal Year 2006 Emergency Shelter Grant (ESG) Program; that City Council establish November 28, 2005, as the deadline for the submission of all CDBG Social Service application packets and ESG application packets; and December 9, 2005, as the deadline for submission of all neighborhood association and citizen request forms; and that City Council establish January 13, 2006, as the final deadline for the submission of 32nd Year CDBG Housing, Micro-enterprise Technical Assistance, Planning, Public Facilities and City Department application packets.

1st MOTION

*Motion made by Representative O'Rourke, seconded Representative Presi Ortega, Jr. and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

Representative Lozano was not present for the vote.

A RESOLUTION TO ESTABLISH A POLICY GOVERNING CONTACT BETWEEN THE MAYOR AND CITY COUNCIL REPRESENTATIVES AND PROPONENTS SEEKING OR REASONABLY EXPECTED TO SEEK ECONOMIC DEVELOPMENT INCENTIVES FROM OR THROUGH THE CITY OF EL PASO.

WHEREAS, it is the intent of the Mayor and City Council to provide economic development incentives to facilitate economic prosperity based upon an informed, fair and balanced process; and

WHEREAS the Economic and Community Development Legislative Review Committee has reviewed and recommended for adoption by the City Council a policy governing contact between the Mayor and City Council Representatives and proponents seeking or reasonably expected to seek economic development incentives from or through the City of El Paso.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT at any time prior to the presentation of a recommendation by City Staff to the Mayor and City Council in an official meeting of the Governing Body regarding a project and/or activity seeking/reasonably expected to seek economic development incentives:

1. All elected officials and their staff will refrain from contact, including but not limited to the receipt of documents, written communications, electronic communications, verbal conversation and/or discussions or any other means that may be reasonably be construed as a form of communications with a proponent/agent of a proponent

seeking/reasonably expected to seek economic development incentives for any project or activity.

2. All elected officials and their staff, upon determination that a proponent/agent of a proponent is communicating/seeking to communicate regarding economic development incentives, will immediately conclude the communications and refer the party to the Economic Development Department. Should an elected official and/or their staff receive written or other forms of materials, said material will be forwarded to the Economic Development Department for inclusion in the official file for the project or activity.
3. All elected officials and their staff may participate in activities proactively initiated by City Staff and/or City Authorized Agents to attract new businesses, and to retain and/or expand existing businesses.
4. This policy may be amended as necessary by official action of the City Council.

2ND AND FINAL MOTION:

Motion made by Representative Presi Ortega, Jr., seconded by Representative Byrd and unanimously carried to **APPROVE** the above Resolution.

Mayor John Cook and Representatives Byrd, Lozano, Presi Ortega, Jr. and Steve Ortega commented.

The following City Staff member commented.

1. Mr. David Dobson, Director of Economic Development
2. Charlie McNabb, City Attorney

Lisa Turner, citizen, commented.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

That the City Manager be authorized to sign an Overhead Electrical Easement which would allow the El Paso Electric Company to provide overhead electrical service to the Barcelona Estates located within Section 45, Block 79, Township 2, El Paso, El Paso County, Texas.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of CHIEF STREET OPERATIONS OFFICER is hereby created as specified in the duties and responsibilities attached hereto. The Code is 5432. The Grade is PM 80.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of OMBUDSMAN is hereby created as specified in the duties and responsibilities attached hereto. The Code is 5936. The Grade is PM 80.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The Class of Business and Customer Service Manager is hereby created as specified in the duties and responsibilities attached hereto. The Code is 5398. The Grade is EX G.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The Class of Deputy Director – Building Permits and Inspections is hereby created as specified in the duties and responsibilities attached hereto. The Code is 5410. The Grade is EX E.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of Development Service Director is hereby created as specified in the duties and responsibilities attached hereto. The code is 5408. The Grade is EX A.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of ENVIRONMENTAL SERVICES DIRECTOR is hereby revised as specified in the duties and responsibilities attached hereto. The Code is 5418. The Grade is EX C.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of ENVIRONMENTAL SERVICES ASSISTANT DIRECTOR is hereby revised as specified in the duties and responsibilities attached hereto. The Code is 5420. The Grade is EX E.

***RESOLUTION**

WHEREAS, the City of El Paso is constructing a new regional branch to serve the far Eastside of the City; and

WHEREAS, the El Paso Public Library Association held a contest for the purpose of selecting a name for the new regional branch; and

WHEREAS, the El Paso Public Library Association Board of Directors, has recommended that the regional branch be named in honor of Esperanza Acosta Moreno; and

WHEREAS, the "Naming Policy for El Paso Public Library Facilities and Spaces" states that "Library facilities may be named for persons or organizations that have made a significant contribution to the Library, monetary or otherwise"; and

WHEREAS, Esperanza Acosta Moreno worked hard to promote libraries throughout El Paso as the first Hispanic librarian in the City of El Paso, serving as a school and university librarian during her 42-year career. An advocate for good library services, she served as a member of the American Library Association and Texas Library Association, and held the title of Distinguished Member of the Medical Library Association. Mrs. Moreno received the Border Regional Library's Librarian of the Year award twice, in 1967 and 2000, and received the UTEP Distinguished Achievement Award for Service to Students.

WHEREAS, Esperanza Acosta Moreno, who passed away in May 2000, was a founding member of the Border Regional Library Association and REFORMA; and

WHEREAS, the City Council of the City of El Paso finds that it is appropriate to honor Esperanza Acosta Moreno by naming the regional branch for her;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the new Eastside Regional Library be officially named the Esperanza Acosta Moreno Regional Branch in honor of her years of dedicated support of library services to the citizens of El Paso (District 5).

Carol Brey-Casiano, Director of Library, asked the family of Ms. Esperanza Acosta Moreno to stand for recognition.

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***RESOLUTION**

WHEREAS, Section 370.002, Local Govt Code, requires all cities to review their juvenile curfew ordinances every three years; and

WHEREAS, the City Council conducted its last review of the City's juvenile curfew ordinance in 2002; and

WHEREAS, the City Council has reviewed the effects of the City's juvenile curfew ordinance, Sections 10.20.010 through 10.20.054 of the City Code, on the community and its effect on juveniles, crime and crime victims; and

WHEREAS, the City Council has taken public comment at a public hearing held on August 30, 2005, regarding the continued need for the ordinance.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

*Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **APPROVE** Change Order No. Eleven (Scope Change) to F.T. James Construction, Inc. for Contract No. 2004-214, McKelligon Canyon Park Improvements Project for an increased amount of \$80,000.00. This Change Order will increase contract time 90 days. It is requested that the City Manager and City staff be authorized to execute budget transfers for this change order, as necessary.

The purpose of this change order is to construct a scene shop building. The work described under this change order will be funded by 2000 QOL bond appropriations. This project was scheduled for completion on September 15, 2005 prior to this change order. The new completion date is December 14, 2005.

Location: 1400 McKelligon Canyon Rd.

Representative Lozano was not present for the vote.

Mr. Juan Contreras, Perspectiva, commented.

Mr. Richard Schechter, citizen, commented.

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*Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **APPROVE** Change Order No. Six (Construction Change) to Matyear Construction Co., Inc. for Contract No. 2005-075, Montwood Heights Park Improvements Project for an increased amount of \$29,188.20. This Change Order will not increase contract time. It is requested that the City Manager and City staff be authorized to execute budget transfers for this change order, as necessary.

The purpose of this change order is to construct a new 24' x 24' metal shelter over the Park's picnic table area. The work described under this change order will be funded by 2000 QOL bond appropriations. This project is scheduled for completion on September 8, 2005.

Location: 12598 Windermere St.

Representative Lozano was not present for the vote.

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*Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **APPROVE** the request that the Director of Purchasing be authorized to issue Purchase Order(s) to CMI, Inc., in the amount of \$72,330.00, as they are the manufacturer and the sole provider of the 5000EN Intoxilyzer. The 5000EN Intoxilyzer is the only instrument available for new purchase on the list of breath test instruments certified by the Texas Department of Public Safety, Breach Alcohol Testing Program.

Additionally, it is requested that staff be authorized to negotiate, Legal to review and that the City Manager be authorized to sign any and all additional documents and/or agreements as necessary.

Department: Police
Funds available in: 508007-29209-04200401-PMB0005009
Funding Source: 2004 Capital Acquisition (Public Safety)
Amount: \$72,330.00
District(s): All
Sole Source No: 2005-272

Representative Lozano was not present for the vote.

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*Motion made by Representative by O'Rourke, seconded by Representative Byrd and unanimously carried to **APPROVE** the request that the Director of Purchasing be authorized to exercise the City's option to

purchase additional quantities pursuant to the terms of Contract No. 2005-156C1 for "Herbicides and other Agents", with Helena Chemical Co.

Department(s): Department of Aviation
Funds Available: 62620003-503121-40101
Funding Source: Airport Operating Funds
Item(s): Item 3
Award Amount: \$20,360.00
District(s): 3

Representative Lozano was not present for the vote.

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*Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to
AWARD Best Value Procurement Solicitation No. 2005-228 South El Paso Senior Center Restrooms Renovation

Location: 600 S. Ochoa St
Contractor: B X W Electrical Rebuilders, Inc.
El Paso Texas

Department: Parks & Recreation
Funds Available: 71150069-G7130CD0018-07800-508027
Funding Source: Community Development Grant
Items: Base Bid \$14,750.00
Alternate No.1 \$ 9,460.00
Alternate No.2 \$ 9,130.00
Alternate No.3 \$ 5,500.00

Total Award: \$38,840.00
District(s): 8

RECOMMENDATION:

The Departments of Engineering and Parks & Recreation, recommend the award of this contract to B X W Electrical Rebuilders, Inc., as this Offeror has provided the Best Value Proposal. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Representative Lozano was not present for the vote.

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*Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to
AWARD Bid Solicitation No. 2005-240 Paper Sundries

Award to: Laun-Dry Supply
El Paso, Texas
Item(s): #1
Amount: \$40,000.00 (estimated annually)

Department: Building Maintenance
Funds available: 31010326-503111-01101
Funding source: Building Maintenance General Operating Funds
Total award: \$120,000.00 (estimated)
District (s): All

The Building Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

Representative Lozano was not present for the vote.

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*Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to
APPROVE budget transfer BT2005-1507 AIRPORT

Transfer of funds to cover the cost of water for the Lone Star Golf Course while the water well is being repaired/replaced.

Increase	\$85,000	to	62620012/40101/504101	Water
Increase	\$85,000	to	62620012/40101/407001	IntrafndTrnsfln
Increase	\$85,000	to	62620018/P50000241021/407002	EstRevenue
Increase	\$85,000	to	62620018/P50000241021/507001	IntrafndTrnsfO

Representative Lozano was not present for the vote.

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*Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to
APPROVE budget transfer BT2005-1511MAYOR & COUNCIL

Increase to budget for EP Economic Summit.

Increase	\$23,500	to	01150088/G01050207332/405060	Donations
Increase	\$18,500	to	01150088/G01050207332/503115	Food&Bev
Increase	\$ 5,000	to	01150088/G01050207332/502215	ContractsNOC

Representative Lozano was not present for the vote.

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*Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **APPROVE** budget transfer BT2005-1513 BUILDING & PLANNING SERVICES

Building and Planning Services proposes to appropriate \$5,604.40 to the Airway Blvd project. Funding source is a refund from TxDOT. D3

Increase	\$5,604.40	to	31131001/PPW003500827074/406001	StateGrntProc
Increase	\$5,604.40	to	31131001/PPW003500827074/508027	Construction

Representative Lozano was not present for the vote.

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*Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **APPROVE** budget transfer BT2005-1515 BUILDING & PLANNING SERVICES

Building and Planning Services proposes to appropriate \$15,600 received from EPISD as reimbursement for the flasher installation at Dr. Green Elementary School. D-1

Increase	\$15,600	to	31255005/PPW005227691/405067	ReimbExp
Increase	\$15,600	to	31255005/PPW005227691/508027	Construction

Representative Lozano was not present for the vote.

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*Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **APPROVE** budget transfer BT2005-1525 BUILDING & PLANNING SERVICES

Building and Planning Services proposes to appropriate \$60,000 for Northwest Traffic Study. Funding source is 1995A GOs. D1 and D8

Decrease	\$ 1,509.66	from	31130101/PPW000826136/508027	Construction
Decrease	\$50,249.49	from	31130101/PPW000826136/508026	Inspections
Decrease	\$ 8,240.85	from	31130101/PPW000826136/508024	Testing
Increase	\$60,000.00	to	31130101/PST05004/26136/508016	CntrctlDesign

Representative Lozano was not present for the vote.

Ms. Patricia Adatao, Deputy City Manager for Building and Planning Services, commented.

Ms. Lisa Turner, citizen, commented.

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*Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **APPROVE** budget transfer BT2005-1530 BUILDING & PLANNING SERVICES

Building and Planning Services proposes to transfer \$3,840 from Parks Contingency to Edgemere Median Park for trees at Edgemere Median Park. D3

Decrease	\$3,840	from	31130600/PQLPA17760176/504405	OperCntngncy
Increase	\$3,840	to	31130600/PQLPA17760176/507001	IntrafndTrnsfU
Increase	\$3,840	to	31130550/PPW0046030YR260033/407001	IntrafndTrnsfS
Increase	\$3,840	to	31130550/PPW0046030YR260033/508027	Construction

Representative Lozano was not present for the vote.

*Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **APPROVE** budget transfer BT2005-1534 FLEET SERVICES

Appropriation increase requested to cover fuel expenditures for FY2005 due to unexpected high fuel prices.

Increase	\$250,000	to	37370510/45202/503124	FuellInventory
Increase	\$250,000	to	37370510/45202/404352	Fuel&LubChrg

Representative Lozano was not present for the vote.

Ms. Lisa Turner, citizen, commented

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*Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **APPROVE** budget transfer BT2005-1536 BUILDING & PLANNING SERVICES

Building and Planning Services proposes to appropriate \$90,000 for a project called Fire Station 20. Funding source is 2001 CO's. D3

Decrease	\$ 7,500	from	31250202/PPW000219027210/508051	PrgmMngmt
Decrease	\$82,500	from	31250202/PPW000219027210/508050	Design
Increase	\$ 2,300	to	31250202/PFI0500227210/508024	Testing
Increase	\$ 500	to	31250202/PFI0500227210/508022	Administration
Increase	\$87,200	to	31250202/PFI0500227210/508027	Construction

Representative Lozano was not present for the vote.

Mr. Joyce Wilson, City Manager, commented.

Ms. Lisa Turner, citizen, commented.

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*Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **APPROVE** the request of Melissa Valverde to use amplification (1 microphone and 1 speaker) at Tom Lea (Upper) Park – 900 Rim Rd on September 4, 2005 from 2:00 p.m. to 5:00 p.m. for a wedding. Approximately 2 persons will take part and 100 spectators are anticipated. PERMIT # 05-118 [Melissa Valverde]

Representative Lozano was not present for the vote.

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*Motion made Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **APPROVE** the request of Austin High School to hold a homecoming parade on September 9, 2005 from 5:00 p.m. to 6:30 p.m. Route: Start at Newman Park on Richmond and Altura, proceed on Altura to Stevens, turn left on Stevens and finish at McKee Stadium. Approximately 180 persons, 21 vehicles will take part and 150 spectators are anticipated. PERMIT NO. 05-110 [Norma Genera]

Representative Lozano was not present for the vote.

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*Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **APPROVE** the request of Eastwood High School to hold a homecoming parade on September 8, 2005 from 6:30 p.m. to 8:00 p.m. Route: Start at the Great American Land & Cattle – 2220 N Yarbrough to Camwood, turn left on Camwood to Montwood, turn left on Montwood to Linum, turn right on Linum and finish at Trooper Stadium. Approximately 500 persons, 30 vehicles, 5 animals will take part and 5,000 spectators are anticipated. PERMIT NO. 05-109 [Deby Lewis]

Representative Lozano was not present for the vote.

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*Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **APPROVE** the request of UTEP Army ROTC to hold a 5K Run on October 22, 2005 from 7:30 p.m. to 8:30 p.m. Route: Start on Baltimore to Oregon, turn right on Oregon to University, turn right on University to Hawthorne, turn right on Hawthorne to Kerbey, turn right on Kerbey to Circle Dr, turn left on Circle Dr to Hawthorne, turn right on Hawthorne to Rim, turn right on Rim to Wiggins, turn right on Wiggins to University, turn left on University to Sun Bowl, turn right on Sun Bowl to Baltimore, turn right on Baltimore and finish at the starting point. Approximately 200 persons will take part and 50 spectators are anticipated. PERMIT NO. 05-108 [Captain Jesus Silerio]

Representative Lozano was not present for the vote.

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*Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **APPROVE** the request of El Paso Powerhouse Church to use amplification (2 speakers, 1 amplifier, and 2 microphones) at Tula Irrobal Park-601 S. Park on September 3, 2005 from 6:30 p.m. to 9:00 p.m. for a rally. Approximately 20 persons will take part and 50 spectators are anticipated. PERMIT # 05-115 [James Williams]

Representative Lozano was not present for the vote.

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Motion made by Representative Byrd, seconded by Representative Holguin and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking prohibited at all times on certain streets) to add a new location on Charles Schulte from Sun Country Drive to Zaragoza Road, both sides. The Penalty being as provided in Section 12.84.010 Of The El Paso Municipal Code. **(District 6)** [Engineering Department, Traffic Division, Ted Marquez 541-4035]
- B. An ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to adopt amended salary schedules to reflect the pay increases adopted in the Fiscal Year 2006 Budget Resolutions. [Human Resources, Linda B. Thomas, (915) 541-4509]
- C. An ordinance amending Ordinance 8065, Civil Service Rules and Regulations, to amend Rule 5 in its entirety, to revise the manner in which certain increases in employee compensation are made and to clarify language and make appropriate grammatical changes in the rule. [Human Resources, Linda B. Thomas, (915) 541-4509]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 13, 2005 FOR ITEMS A –C

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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A RESOLUTION THAT THE MAYOR BE AUTHORIZED TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF EL PASO AND OPSANTA, INC., FOR THE OPERATION SANTA CLAUS PARADE AND PRESENTATION OF TOYS TO EL PASO CHILDREN ON DECEMBER 9, 2005, WHICH CONSTITUTES AN IMPORTANT PUBLIC PURPOSE OF BENEFIT TO THE CITY AND CITIZENS OF EL PASO; AND UNDER THE TERMS OF WHICH AGREEMENT THE CITY WILL PROVIDE THE NECESSARY FUNDS TO COVER

THE COSTS OF THE ON-DUTY POLICE TRAFFIC-CONTROL ASSISTANCE, NOT TO EXCEED THIRTY-FOUR (34) ON-DUTY POLICE OFFICERS AND THIRTY-FOUR (34) VEHICLES FOR THE PARADE.

Motion made by Representative Lozano, seconded by O'Rourke and unanimously carried to **APPROVE** the above Resolution.

Mayor John Cook thanked the U.S. Military for a great job on Operation Santa Claus

Mr. Alan Shubert, Director of Building Permits and Inspections, commented.

SFC Forrest P. Moncrief thanked Mayor and Council for their support.

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Motion made by Representative Lozano, seconded by Representative O'Rourke and unanimously carried to **APPROVE** the request of Operation Santa Claus to hold a toy delivery parade on December 9, 2005 from 1:00 p.m. to 3:00 p.m. Route: Start at Pleasonton/Chelsea gate, proceed on Chelsea to Paisano, continue on Paisano to St Vrain, turn left on St Vrain to Sixth St, turn right on Sixth St to Florence and finish at the Boys & Girls Club – 801 S Florence St. Streets blocked will be Sixth St between Ochoa and Campbell, Florence between Seventh and Fr Rahm and Ochoa between Seventh and Fr Rahm. Approximately 150 persons, 25 vehicles will take part and 150 spectators are anticipated. This request includes permission to use amplification (1 amp and 2 speakers). Request waiver of fees for the necessary police traffic assistance for a parade. Signed affidavit submitted. PERMIT # 05-092 [SFC James Prim]
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ORDINANCE 16128

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), TO CREATE CHAPTER 2.110 (CITY ORGANIZATIONAL STRUCTURE) AND SECTIONS THEREUNDER IN THE EL PASO CITY CODE TO CREATE AND ESTABLISH THE FUNCTIONS OF THE DEPARTMENT KNOWN AS THE CITY MANAGER'S OFFICE; THE BUREAUS WITHIN THE DEPARTMENT: DEVELOPMENT AND INFRASTRUCTURE SERVICES, FINANCIAL AND ADMINISTRATIVE SERVICES AND QUALITY OF LIFE SERVICES; AND TO CREATE AND ESTABLISH THE DEPARTMENTS THAT REPORT TO THE DEPUTY CITY MANAGERS: ENVIRONMENTAL SERVICES, DEVELOPMENT SERVICES, AND GENERAL SERVICES AND FINANCIAL SERVICES/CFO; TO ESTABLISH OTHER DEPARTMENTAL REPORTING AND SUBORDINATE BUREAUS; AND TO REPEAL ORDINANCE NO. 15863.**

Motion duly made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr., that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke
NAYS: Representative Castro Absent: None.
NOT PRESENT FOR THE VOTE: Representative Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

The following City Staff commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Elaine Hengen, Assistant City Attorney
3. Mr. Charlie McNabb, City Attorney

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ORDINANCE 16129

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCE 15876, WHICH CREATED THE BUILDING AND PLANNING SERVICES DEPARTMENT.**

Motion duly made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr., that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke
NAYS: Representative Castro Absent: None.
NOT PRESENT FOR THE VOTE: Representative Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16130

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCE 15878, WHICH CREATED THE FINANCIAL AND ADMINISTRATIVE SERVICES DEPARTMENT.**

Motion duly made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr., that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke
NAYS: Representative Castro Absent: None.
NOT PRESENT FOR THE VOTE: Representative Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16131

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCE 15879, WHICH CREATED THE QUALITY OF LIFE SERVICES DEPARTMENT.**

Motion duly made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr., that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke
NAYS: Representative Castro Absent: None.
NOT PRESENT FOR THE VOTE: Representative Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 16132

The City Clerk read an Ordinance entitled: **AN ORDINANCE REPEALING ORDINANCE 15877, WHICH CREATED THE MUNICIPAL SERVICES DEPARTMENT AND DESIGNATING AN OFFICIAL TO PERFORM THE FUNCTIONS SET FORTH WITHIN THE CITY'S ORDINANCES, RESOLUTIONS AND LEGAL DOCUMENTS AS BEING ASSIGNED TO THE DEPARTMENT OR ITS DIRECTOR.**

Motion duly made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr., that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke
NAYS: Representative Castro Absent: None.
NOT PRESENT FOR THE VOTE: Representative Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 16133

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.40 (DEPARTMENT OF MUSEUMS AND CULTURAL AFFAIRS) TO SECTION 2.40.010 (DEPARTMENT-CREATION-FUNCTIONS), OF THE EL PASO CITY CODE TO CHANGE THE NAME OF THE DEPARTMENT TO THE DEPARTMENT OF MUSEUMS AND CULTURAL AFFAIRS AND TO PROVIDE FOR ESTABLISHMENT OF DIVISIONS WITHIN THE DEPARTMENT.**

Motion duly made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr., that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke
NAYS: Representative Castro Absent: None.
NOT PRESENT FOR THE VOTE: Representative Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 16134

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE EL PASO CITY CODE TO SUBSTITUTE THE TERM "GENERAL SERVICES DEPARTMENT" FOR THE TERM "FLEET SERVICES DEPARTMENT"; TO SUBSTITUTE THE TERM "DEPARTMENT OF MUSEUMS AND CULTURAL AFFAIRS" FOR THE TERM "ARTS AND CULTURE DEPARTMENT"; TO SUBSTITUTE THE TERM "PLANNING DEPARTMENT" FOR THE TERM "DEPARTMENT OF PLANNING, RESEARCH AND DEVELOPMENT"; TO SUBSTITUTE THE TERM "DEPARTMENT OF ENVIRONMENTAL SERVICES" FOR THE TERM "DEPARTMENT OF SOLID WASTE MANAGEMENT"; TO SUBSTITUTE THE TERM "DEPARTMENT OF FINANCIAL SERVICES/CFO" FOR THE TERM "PURCHASING DEPARTMENT" AT ALL PLACES IN THE CODE WHERE SUCH TERMS APPEAR.**

Motion duly made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr., that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke
NAYS: Representative Castro Absent: None.
NOT PRESENT FOR THE VOTE: Representative Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16135

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE EL PASO CITY CODE TO SUBSTITUTE THE TERM "GENERAL SERVICES DIRECTOR" FOR THE TERM "FLEET SERVICES DIRECTOR"; TO SUBSTITUTE THE TERM "ENVIRONMENTAL SERVICES DIRECTOR" FOR THE TERM "SOLID WASTE MANAGEMENT DIRECTOR"; TO SUBSTITUTE THE TERM "MUSEUMS AND CULTURAL AFFAIRS DIRECTOR" FOR THE TERM "ARTS AND CULTURE DIRECTOR"; TO SUBSTITUTE THE TERM "DEPUTY DIRECTOR-PLANNING" FOR THE TERM "DIRECTOR OF PLANNING, RESEARCH AND DEVELOPMENT" AT ALL PLACES IN THE CODE WHERE SUCH TERMS APPEAR; TO SUBSTITUTE THE TERM "DEPUTY DIRECTOR-BUILDING PERMITS AND INSPECTIONS" FOR THE TERM "ASSISTANT DIRECTOR, BUILDING PERMITS AND INSPECTIONS DEPARTMENT" IN 2.88.060 OF THE CITY CODE; AND TO CLARIFY THAT THE DEPUTY DIRECTOR-BUILDING PERMITS AND INSPECTIONS INCLUDES THE DESIGNATION OF BUILDING OFFICIAL; AND THAT THE CHIEF FINANCIAL OFFICER SHALL BE THE COMPTROLLER.**

Motion duly made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr., that the Ordinance by **ADOPTED AS REVISED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke
NAYS: Representative Castro Absent: None.
NOT PRESENT FOR THE VOTE: Representative Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16136

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING THE EL PASO CITY CODE TO ADD AND DESIGNATE THE ENFORCEMENT AUTHORITY OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES AND THE DEVELOPMENT SERVICES DEPARTMENT AND THEIR DIRECTORS AND DESIGNEES.**

Motion duly made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr., that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke
NAYS: Representative Castro Absent: None.
NOT PRESENT FOR THE VOTE: Representative Holguin

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ORDINANCE 16137

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.04 (ADMINISTRATIVE PROVISIONS) TO SECTION 20.04.070 (DEVELOPMENT SERVICES) OF THE EL PASO CITY CODE TO TRANSFER CERTAIN DUTIES AND FUNCTIONS TO THE DEVELOPMENT SERVICES DEPARTMENT; THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO CITY CODE.**

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke
 NAYS: Representative Castro Absent: None.
 NOT PRESENT FOR THE VOTE: Representative Holguin

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ORDINANCE 16138

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.08 (JUNKED VEHICLES) TO SECTIONS 9.08.010 (DECLARED NUISANCE), 9.08.030 (ABATEMENT), 9.08.050 (ENFORCEMENT AUTHORITY), AND 9.08.060 (ENFORCEMENT) OF THE EL PASO CITY CODE TO TRANSFER THE DUTIES AND ADMINISTRATION FOR JUNKED VEHICLES TO THE DEPARTMENT OF ENVIRONMENTAL SERVICES; THE PENALTY BEING AS PROVIDED IN SECTION 9.08.070 OF THE EL PASO CITY CODE.**

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke
 NAYS: Representative Castro Absent: None.
 NOT PRESENT FOR THE VOTE: Representative Holguin

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ORDINANCE 16139

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 19 (SUBDIVISIONS), CHAPTER 19.04 (GENERAL PROVISIONS), SECTION. 19.04.190 A 1 (ENFORCEMENT, VIOLATIONS AND PENALTIES) TO PROVIDE THAT THE CITY MANAGER SHALL MAKE THE DESIGNATION OF THE CHIEF ENFORCEMENT OFFICIAL FOR THE ENFORCEMENT OF TITLE 19; THE PENALTY BEING AS PROVIDED IN SECTION 19.04.190 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr., that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke
NAYS: Representative Castro Absent: None.
NOT PRESENT FOR THE VOTE: Representative Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16140

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.04 (GENERAL PROVISIONS AND DEFINITIONS), SECTION 12.04.190 (TRAFFIC ENGINEER) TO PROVIDE THAT THE CITY MANAGER SHALL HAVE AUTHORITY TO DESIGNATE THE TRAFFIC ENGINEER FOR THE CITY; THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010 TO 1.08.030 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr., that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke
NAYS: Representative Castro Absent: None.
NOT PRESENT FOR THE VOTE: Representative Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16141

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), SECTION 20.02.848 (TRAFFIC ENGINEER) TO PROVIDE THAT THE CITY MANAGER MAY MAKE AN ALTERNATE DESIGNATION OF THE TRAFFIC DEPARTMENT AND ENGINEER; THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr., that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke
NAYS: Representative Castro Absent: None.
NOT PRESENT FOR THE VOTE: Representative Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16142

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 18 (BUILDING AND CONSTRUCTION), CHAPTER 18.60 (FLOOD DAMAGE PREVENTION), SECTION 18.60.420 (DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR), SECTION 18.60.430 (DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR), SECTION 18.60.440 (DUTIES AND RESPONSIBILITIES OF THE CITY ENGINEER) AND SECTION 18.60.450 (DUTIES AND RESPONSIBILITIES OF THE STREET DIRECTOR) OF THE EL PASO CITY CODE.**

Motion duly made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr., that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke
NAYS: Representative Castro Absent: None.
NOT PRESENT FOR THE VOTE: Representative Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 16143

The City Clerk read an Ordinance entitled: **AN ORDINANCE ESTABLISHING THE MANNER IN WHICH THE FEES CHARGED BY THE CITY WILL BE SET; TO REPEAL ALL CONFLICTING ORDINANCES OR ORDINANCE PROVISIONS; AND TO CONTINUE CERTAIN ORDINANCES AND PROVISIONS RELATING TO FINES, FEES AND PENALTIES IN EFFECT IN THE EL PASO CITY CODE.**

Motion duly made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr., that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke
NAYS: Representative Castro Absent: None.
NOT PRESENT FOR THE VOTE: Representative Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 16144

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.04 (ENVIRONMENTAL SERVICES); TO RENAME THE CHAPTER; TO AMEND SECTION 9.04.030 6, 7 (DEFINITIONS); SECTION 9.04.400 (COLLECTION, SERVICE AND TRANSPORTATION FEES), SECTION 9.04.410 (PERMIT FEES); SECTION 9.04.420 (DISPOSAL FEES); SECTION 9.04.430 (NONPAYMENT OF FEES); AND SECTION 9.04.450 (SOLID WASTE MANAGEMENT FUND; TO ESTABLISH THE ENVIRONMENTAL SERVICES DEPARTMENT; TO REVISE DEFINITIONS; TO REVISE THE CALCULATION OF THE SENIOR AND DISABLED CITIZENS DISCOUNT; TO CREATE AN ENVIRONMENTAL SERVICE FEE AND LANDFILL SPILLAGE FEE; AND TO REMOVE THE FEE SCHEDULES AND ESTABLISH CRITERIA AND GUIDELINES FOR THE SETTING OF FEES; THE PENALTY BEING AS PROVIDED IN SECTION 9.04.390 OF THE CITY CODE.**

Motion duly made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr., that the Ordinance by **ADOPTED AS REVISED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke
NAYS: Representative Castro Absent: None.
NOT PRESENT FOR THE VOTE: Representative Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 16145

The City Clerk read an Ordinance entitled **AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS & PUBLIC PLACES), CHAPTER 13.24 (CITY PARKS & RECREATION AREAS), TO RENAME SUBSECTION 13.24.200 (PARKS & RECREATION FEE AUTHORIZATION) OF THE EL PASO CITY CODE AND TO REMOVE THE FEE SCHEDULES AND TO ESTABLISH GUIDELINES AND CRITERIA FOR THE CHARGING OF FEES FOR FACILITY RENTALS, ACTIVITIES, PROGRAMS AND GENERAL SERVICES OFFERED BY THE PARKS & RECREATION DEPARTMENT.**

Motion duly made by Representative Steve Ortega, seconded by Representative Presi Ortega, Jr., that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke
NAYS: Representative Castro Absent: None.
NOT PRESENT FOR THE VOTE: Representative Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **DELETE** an Ordinance amending Title 13 (Streets, Sidewalks & Public Places), Chapter 13.25 (El Paso Zoo), to rename Subsection 13.25.010 (El Paso Zoo Fees) of the El Paso City Code and remove the listed fees and to establish Guidelines and Criteria for the charging of fees at the Zoo and repeal of Subsection 13.25.015.

Representative Lozano was not present for the vote.

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ORDINANCE 16146

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.180 (NO STOPPING OR STANDING - TOW-AWAY ZONE), SUBSECTION A. PROHIBITING PARKING OR STANDING OF VEHICLES AT ANY TIME INCLUSIVE OF SUNDAYS AND HOLIDAYS, OF THE EL PASO CITY CODE, TO ADD A NEW LOCATION ON TIERRA ESTE DRIVE, FROM MONTANA AVENUE (US 62/180) TO ZARAGOZA ROAD (FM 659), BOTH SIDES. THE PENALTY BEING AS PROVIDED IN SECTION 12.88.180 (F) OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Presi Ortega, Jr, seconded by Representative Steve Ortega., that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr.,Holguin, Steve Ortega and O'Rourke

NAYS: None Absent: None.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Representative Presi Ortega, Jr. commented.

Mr. Rick Conner, City Engineer, commented.

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ORDINANCE 16147

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), OF THE EL PASO CITY CODE, TO TEMPORARILY REDUCE THE SPEED ON INTERSTATE HIGHWAY 10 IN CERTAIN SECTIONS. THE PENALTY FOR VIOLATION BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Lilly, seconded by Representative Byrd., that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr.,Holguin, Steve Ortega and O'Rourke

NAYS: None Absent: None.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Mayor John Cook and Representative Lilly commented.

Mr. Rick Conner, City Engineer, commented.

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ORDINANCE 16148

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), OF THE EL PASO CITY CODE, TO AMEND SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS), TO ADD, DELETE OR MODIFY THE SPEED LIMITS OF 35 M.P.H., 40 M.P.H., AND 45 M.P.H. ON VARIOUS STREETS. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Presi Ortega, Jr., seconded by Representative Lilly, that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr.,Holguin, Steve Ortega and O'Rourke

NAYS: None Absent: None.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Mayor John Cook commented.

Rick Conner, City Engineer, commented.

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ORDINANCE 16149

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), TO ADD SECTION 12.88.081 (SCHEDULE VIIIA - COMMON CARRIER PASSENGER ROUTE).**

Motion duly made by Representative O'Rourke, seconded by Representative Byrd., that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke
NAYS: None Absent: None.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Mayor Cook and Representative O'Rourke commented.

Rick Conner, City Engineer, commented.

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ORDINANCE 16150

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.200 (SCHEDULE XVII - RESTRICTIONS ON PARKING IN RESIDENTIAL DISTRICTS), OF THE EL PASO MUNICIPAL CODE, TO ADD ZONE K: NO PARKING 7:00 A.M. - 4:00 P.M., SCHOOL DAYS ONLY. THE PENALTY BEING AS PROVIDED IN SECTION 12.85.110 (VIOLATION-PENALTY) OF THE EL PASO MUNICIPAL CODE AND AS SET BY RESOLUTION OF THE CITY COUNCIL ON JANUARY 13, 2004.**

Motion duly made by Representative Presi Ortega, Jr., seconded by Representative Byrd, that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke
NAYS: None Absent: None.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Representative Presi Ortega, Jr. commented.

Mr. Rick Conner, City Engineer, commented.

ORDINANCE 16151

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.040 (SCHEDULE IV - PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS), PARAGRAPH 12.88.040 (J) (NO PARKING, 7:00 A.M. TO 4:00 P.M.), SUBPARAGRAPH 12.88.040 (J)(5), LA SUBIDA DRIVE, FROM MONTE MAR PLACE TO A POINT 114 FEET WEST OF ANDALUCIA DRIVE, SOUTHSIDE ONLY, TO REDUCE THE DISTANCE FOR WHICH PARKING IS PROHIBITED. THE PENALTY FOR VIOLATION OF SAME AS PROVIDED IN SECTION 12.85.110 of the El Paso City Code and as set by Resolution of the City Council on January 13, 2004.**

Motion duly made by Representative Steve Ortega, seconded by Representative Lozano, that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke
NAYS: None Absent: None.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Representative Steve Ortega commented.

Mr. Rick Conner, City Engineer, commented.

ORDINANCE 16152

The City Clerk read an Ordinance entitled: **AN ORDINANCE LEVYING 2006 TAXES.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1: That ad valorem taxes for the tax year ending December 31, 2005 to fund the City's budgetary requirements for the fiscal year ending August 31, 2006, be and are hereby levied on all property, real, personal, and mixed, subject to taxation by the City, at the rate of 0 .696677 of one percent of the assessed value of said property, as hereinafter set forth:

1. **For General Purposes:**
For the General Fund and for the purpose of defraying current municipal expenses of the City of El Paso not otherwise provided for, 0.508371 of one percent.
2. **For Special Purposes:**
To pay the interest on and provide a Sinking Fund to redeem bonds a total Levy for Special Purposes 0.188306 of one percent.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

SECTION 2. Occupation Tax:

There is hereby levied on every person, firm, association or corporation pursuing within the limits of the City of El Paso any occupation taxed by the State of Texas as authorized by City Council an annual tax equal to one-half of the occupation tax levied by the State of Texas thereon.

1st MOTION

Motion made by Representative Byrd, seconded by Representative Steve Ortega and carried to **APPROVE** the amendment on the tax rate ordinance.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke
NAYS: Representative Castro Absent: None.

2nd AND FINAL MOTION

Motion duly made by Representative Presi Ortega, Jr., seconded by Representative Steve Ortega that the Ordinance by **ADOPTED AS AMENDED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega and O'Rourke
NAYS: Representatives Castro and Holguin Absent: None.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED AS AMENDED**.

Mayor John Cook and Representatives Lozano, Presi Ortega, Jr., and Steve Ortega commented.

Mr. David Almonte, Director of OMB, gave a Powerpoint presentation.

Mr. Sal Gomez, citizen, commented.

ORDINANCE 16153

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, RULE 16, HEARINGS, TO EXPEDITE THE CONDUCT OF THE HEARINGS, TO CHANGE THE PROCEDURES FOR REQUESTING AND GRANTING A CONTINUANCE AND TO CHANGE THE INVOCATION OF THE RULE FOR THE HEARINGS.**

Motion duly made by Representative Byrd, seconded by Representative O'Rourke, that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke

NAYS: None. Absent: None.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Ms. Joyce Wilson, City Manager, commented.

ORDINANCE 16154

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO O.P.E.P. INCORPORATED TO TEMPORARILY CLOSE A PORTION OF OCHOA STREET BETWEEN FIRST AVENUE AND PAISANO DRIVE ON SUNDAY, SEPTEMBER 4, 2005 THROUGH MONDAY, SEPTEMBER 5, 2005 FOR A "FOAM PARTY CELEBRATION" AND ON MONDAY, OCTOBER 31, 2005 THROUGH TUESDAY, NOVEMBER 1, 2005 FOR A "HALLOWEEN BLOCK PARTY"**.

Motion duly made by Representative O'Rourke, seconded by Representative Byrd., that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke
NAYS: None. Absent: None.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Mr. George G. Sarmiento, Director of Planning, Research and Development, commented.

ORDINANCE 16155

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00038, TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 1 THROUGH 5 AND A PORTION OF LOT 6, BLOCK 106 ½, HIGHLAND PARK ADDITION, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.64.175 OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Byrd, seconded by Representative Lozano, that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke
NAYS: None. Absent: None.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Representative Byrd commented.

Mr. George G. Sarmiento, Director of Planning, Research and Development, commented.

Motion made by Representative Steve Ortega, seconded by Representative Lozano and unanimously carried to **REFER** the case back to the CPC and DCC for reconsideration and **POSTPONE** for six (6) weeks an Ordinance changing the zoning of the North 138.00 feet of Lot 9 and the West half of Lot 10, Block 7, North Loop Gardens Unit 1, El Paso, El Paso County, Texas from A-2 (Apartment) to C-4 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Eduardo and Adriana Barboza. Location: 510 East Road. ZON05-00029 (District 7) **NOTE: THIS IS AN APPEAL CASE.**

The following City Staff commented:

1. Mr. George G. Sarmiento, Director of Planning, Research and Development, gave a Powerpoint presentation.
2. Mr. Charlie McNabb, City Attorney, read the motion into the record.

.....
ORDINANCE 16156

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 2A, BLOCK 1, YSLETA GRANT AND TRACT 3B, BLOCK 56, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS FROM R-F (RANCH-FARM) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Holguin, seconded by Representative Lozano, that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke
NAYS: None. Absent: None.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Mayor Cook and Representative Holguin commented.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation to explain and read usage restrictions into the record.

Mr. Conrad Conde, citizen, commented.

.....
Item: Public Hearing to make a determination by City Council that Spartan Construction Services Inc., is not a responsible bidder on The Indian Place Street & Drainage Improvements, Bid No. 2005-207.

On Wednesday July 13, 2005 bids were opened for The Indian Place Street & Drainage Improvements, solicitation number 2005-207. Upon completion and review of the official bid tabulation for the subject project, it was determined that the apparent low bidder was Spartan Construction Services Inc.

Spartan Construction presented insufficient information in regards to experience, expertise, and financial capability. It is the opinion of City Staff and the City's design consultant, on The Indian Place Street & Drainage Improvements Project, that Spartan Construction Services Inc., is not a responsible bidder.

After closing of the hearing, staff recommends passage of a motion stating that:

Spartan Construction Services is deemed a non-responsible bidder for bid number 2005-207.

1st MOTION

Motion made by Representative Steve Ortega, seconded by Representative Lilly and unanimously carried to **MOVE THE ITEM TO EXECUTIVE SESSION**.

2nd AND FINAL MOTION

Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to **REJECT ALL BIDS FOR BID NO. 2005-207.**

Mayor John Cook and Representatives Lozano and Steve Ortega commented.

The following members of City Staff commented:

1. Mr. Byron Johnson, Director of Purchasing, commented
2. Mr. Daryl Cole, Director of Streets, commented.

Mr. Tom Wicker, attorney for Spartan Construction Services, commented.

.....
ITEM: Public Hearing to make a determination by City Council that Spartan Construction Services Inc., is not a responsible bidder on The Ladrillo Street-Street & Drainage Improvements Bid No. 2005-205.

On Wednesday, July 13, 2005 bids were opened for Ladrillo Street-Street & Drainage Improvements, solicitation number 2005-205. Upon completion and review of the official bid tabulation for the subject project, it was determined that the apparent low bidder was Spartan Construction Services Inc.

Spartan Construction presented insufficient information in regards to experience, expertise, and financial capability. It is the opinion of City Staff and the City's design consultant, on The Ladrillo Street-Street & Drainage Improvements Project, that Spartan Construction Services Inc., is not a responsible bidder.

After closing of the hearing staff recommends passage of a motion stating that:Spartan Construction Services is deemed a non-responsible bidder for bid number 2005-205.

1st MOTION

Motion made by Representative Steve Ortega, seconded by Representative Lilly and unanimously carried to **MOVE THE ITEM TO EXECUTIVE SESSION.**

2nd AND FINAL MOTION

Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried that Spartan Construction Services is **DEEMED A NON-RESPONSIBLE BIDDER FOR BID NUMBER 2005-205.**

Mayor John Cook commented.

The following members of City Staff commented:

1. Mr. Byron Johnson, Director of Purchasing, commented.
2. Mr. Charlie McNabb, City Attorney, stated for the record that the legal advice given during executive session was in regard to Council's ability to consider a bidder to be non-responsible, restrict bidders from bidding, and the ability to reject bids at any time.

.....
Motion made by Representative Presi Ortega, Jr., seconded by Representative Lozano and carried to **AWARD** Bid Solicitation No. 2005-205 Ladrillo Street – Street & Drainage Improvements

Location: Ladrillo St.
Award to: J. A. R. Concrete, Inc.
El Paso, Texas
Department: Streets

Funds Available:	71150069-G7130CD0025-07807-	508027
Funding Source:	Community Development Grant	
Items: Base Bid I	\$296,933.50	Base Bid ID \$12,750.00
Base Bid IA	\$ 20,000.00	Base Bid II \$28,570.00
Base Bid IB	\$ 1,230.00	Base Bid III \$47,492.50
Base Bid IC	\$ 7,475.00	
Total Award:	\$414,451.00	
District(s):	8	

RECOMMENDATION:

The Departments of Engineering, and Streets recommend the award of this contract to J. A. R. Concrete, Inc., the most responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Motion duly made by Representative Presi Ortega, Jr., seconded by Representative Lozano, that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:	Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, and O'Rourke		
NAYS:	None	Absent:	None.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Representative Steve Ortega abstained from the vote.

.....
ITEM: Public Hearing to make a determination by City Council that Spartan Construction Services Inc., is not a responsible bidder on The Bowen Road Street & Drainage Improvements, Bid No. 2005-234.

On Wednesday July 27, 2005 bids were opened for Bowen Road Street & Drainage Improvements, solicitation number 2005-234. Upon completion and review of the official bid tabulation for the subject project, it was determined that the apparent low bidder was Spartan Construction Services Inc.

Spartan Construction presented insufficient information in regards to experience, expertise, and financial capability. It is the opinion of City Staff and the City's design consultant, on The Bowen Road Street & Drainage Improvements Project, that Spartan Construction Services Inc., is not a responsible bidder.

After closing of the hearing, staff recommends passage of a motion stating that:

Spartan Construction Services is deemed a non-responsible bidder for bid number 2005-234.

1st MOTION

Motion made by Representative Steve Ortega, seconded by Representative Lilly and unanimously carried to **MOVE THE ITEM TO EXECUTIVE SESSION**.

2nd AND FINAL MOTION

Motion made by Representative O'Rourke, seconded by Representative Steve Ortega and unanimously carried that Spartan Construction Services is **DEEMED A NON-RESPONSIBLE BIDDER FOR BID NUMBER 2005-234**.

.....
Motion made by Representative Steve Ortega, seconded by Representative O'Rourke and unanimously carried to **AWARD** Bid Solicitation No. 2005-234 Bowen Road Street & Drainage Improvements

Location: Bowen Road
Contractor: Texas Concrete & Asphalt, Inc.
El Paso, Texas

Department: Street Department
Funds Available: 14200403-31255008-PBE04ST104-29118-27695-508027
Funding Source: 2004 Bond Issue

Items:	Base Bid	\$ 587,055.00	Alternate 1	\$ 12,500.00
	Base Bid IA	\$ 841.00	Alternate 2	\$ 2,280.00
	Base Bid II	48,667.00		
	Base Bid III	\$ 74,508.00		

Total Award: \$725,851.00
Districts: 7

RECOMMENDATION:

The Departments of Purchasing, Engineering, and Streets recommend the award of this contract to Texas Concrete & Asphalt, Inc., the low responsible, responsive bidder. It is requested that the Manager of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the City Manager be authorized to execute budget transfers for this award and project, as necessary.

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

.....
Motion made by Representative Lozano, seconded by Representative Byrd and carried to **AWARD** Bid Solicitation No. 2005-119 Central Business District Phase III (CBD III).

Location: Downtown
Contractor: J. A. R. Concrete, Inc .
El Paso, TX

Department: Streets
Funds Available: 14200403-PPWST03001-29122-508027 (COEP)
312550022-PPWST03001-27704-508027 (TXDOT)
Funding Source: FY3 Certificates of Obligation (20% COEP)
Texas Department of Transportation (80% TXDOT)

Items:	Base Bid I	\$ 9,937,801.00
	Base Bid II	\$ 865,678.00
	Base Bid III	\$ 757,986.50
	Base Bid IV	\$ 142,656.00

Total Award: \$11,704,121.50 (estimated)
District(s): 8

RECOMMENDATION:

The Departments of Engineering and Streets recommend the award of this contract to J. A. R. Concrete, Inc., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

This bid award is conditioned subject to the Transportation Policy Board approval of the expenditure of additional funds of \$2,426,869. If funding is not approved then the City Council must reconsider this item again for action within forty-five (45) days.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Motion duly made by Representative Presi Ortega, Jr., seconded by Representative Byrd, that the Ordinance by **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, Steve Ortega and O'Rourke
NAYS: None Absent: None.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Representative Steve Ortega abstained from the vote.

Mr. Byron Johnson, Director of Purchasing, commented.

.....
Motion made by Representative Byrd, seconded by Representative O'Rourke and unanimously carried to approve the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for Two (2) additional years, from October 1, 2006 to October 1, 2008 pursuant to the provisions of Contract 2003-205 with Transmountain Oil Company, L.C., El Paso, Texas for Automotive Fuel-Diesel & Unleaded

Option No.: ONE [OF ONE]
Amount of Award: \$8,000,000.00 (total two year extension)
Account No's: 37370510-503124-45202
Funding Source: Fleet Service Internal Service Fund
Department: Fleet Service

Mr. Byron Johnson, Director of Purchasing, commented.

.....

*Motion made by Representative O'Rourke, seconded by Representative Byrd and unanimously carried to delete the following item:

City Manager's report of current events and issues.

Representative Lozano was not present for the vote.

.....
Motion made by Representative Lozano, seconded by Representative Byrd and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 11:14 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A.** *Patricia Negrete, et al vs. City of El Paso*; Cause No. 2005-2463 in the 120th District Court. (551.071)
- B.** Discussion, deliberation and action on economic-development related negotiations with a business prospect, and the possible offer of financial or other incentives to the business prospect.
- C.** Isabel Burke and Cecilia Aguirre vs. City of El Paso; Cause No. EP-03-CA-0426-FM in the U.S. District Court for the Western District of Texas (551.071)

Motion made by Representative Presi Ortega, Jr. seconded by Representative Lozano and unanimously carried to **ADJOURN** the **EXECUTIVE SESSION** and **RECONVENE** the **MEETING OF THE CITY COUNCIL** at 11:55 a.m., during which time motions were made.

.....
Motion made by Representative O'Rourke, seconded by Representative Lozano and carried that the City **REJECT THE SETTLEMENT DEMAND** in the lawsuit entitled Patricia Negrete, et al vs. City of El Paso; Cause No. 2005-2463 in the 120th District Court as recommended by the City Attorney's Office.

.....
NO ACTION WAS TAKEN regarding discussion, deliberation and action on economic-development related negotiations with a business prospect, and the possible offer of financial or other incentives to the business prospect. (551.087)

.....
ADDITION TO THE AGENDA

1st MOTION

*Motion made by Representative O'Rourke, seconded Representative Presi Ortega, Jr. and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

Representative Lozano was not present for the vote.

2ND AND FINAL MOTION

Motion made by Representative Presi Ortega, Jr., seconded by Representative Steve Ortega and unanimously carried to approve budget transfer BT2005-1573 BUILDING & PLANNING SERVICES

Building and Planning Services proposes to transfer \$200,000 to City Hall 7th Floor Renovation to accommodate staff in the bureau, Financial and Administrative Services. Funding source is FY00 COs. All districts.

Decrease	\$200,000	from	31250102/PPW003400427181/508016	CntrctlDesign
Increase	\$135,000	to	31250102/PMF0500427181/508027	Construction
Increase	\$ 5,000	to	31250102/PMF0500427181/508016	CntrctlDesign
Increase	\$ 60,000	to	31250102/PMF0500427181/508009	Equip&Furn

Representatives Presi Ortega, Jr. and Castro commented.

The following City Staff members commented:

Patricia Aauto, Deputy City Manager for Building and Planning Services
Joyce Wilson, City Manager

1st MOTION

*Motion made by Representative O'Rourke, seconded Representative Presi Ortega, Jr. and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

Representative Lozano was not present for the vote.

2nd AND FINAL MOTION

Motion made by Representative Presi Ortega, Jr., seconded by Representative Steve Ortega and unanimously carried to approve budget transfer BT2005-1574 BUILDING & PLANNING SERVICES

Building and Planning Services proposes to transfer \$450,000 from previously issues COs to City County Health Administration Phase III to relocate Environmental Services as proposed in the 2005-2006 reorganization. Funding sources is 2002 COs. D3

Decrease	\$450,000	from	31250204/PPW020460504/508000	Land
Increase	\$200,000	to	31250204/PHE020360504/508000	Land
Increase	\$250,000	to	31250204/PHE020360504/508027	Construction

Representative Byrd commented

Patricia Aauto, Deputy City Manager for Building and Planning Services, commented.

1st MOTION

*Motion made by Representative O'Rourke, seconded Representative Presi Ortega, Jr. and unanimously carried to **MOVE TO THE REGULAR AGENDA** the following:

Representative Lozano was not present for the vote.

2ND AND FINAL MOTION

Motion made by Representative Presi Ortega, Jr., seconded by Representative Steve Ortega and unanimously carried to approve budget transfer BT2005-1575 BUILDING & PLANNING SERVICES

Building and Planning Services proposes to transfer \$600,000 for City Hall 5th Floor Renovation to create a one-stop shop for construction permitting as proposed in the 2005-2006 reorganization. Funding source is general fund and FY00 COs. All districts

Decrease	\$127,272.70	from	31250102/PPW003400327180/508009	Furn&Fixt
Decrease	\$222,727.30	from	31250102/PPW003400327180/508027	Construction
Increase	\$350,000.00	to	31250102/PMF0500327180/508027	Construction
Decrease	\$100,000.00	from	36010116/01101/501000	NonUnifSalary
Increase	\$250,000.00	to	36010116/01101/507001	IntrafndTrnsfU

Increase	\$250,000.00 to	36010116/PMF0500327503/407001	IntrafndTrnsfS
Increase	\$250,000.00 to	36010116/PMF0500327503/508027	Construction
Decrease	\$ 5,000.00 from	36010118/01101/501000	NonUnifSalary
Decrease	\$ 90,000.00 from	36010120/01101/501000	NonUnifSalary
Decrease	\$ 55,000.00 from	36010318/01101/501000	NonUnifSalary

Mayor John Cook commented.

The following City Staff members commented:

1. Ms. Patricia Adatao, Deputy City Manager for Building and Planning Services
2. Ms. Joyce Wilson, City Manager
3. Mr. Alan Shubert, Director of Building, Planning and Inspections

.....
 Motion made by Representative Lozano, seconded by Representative Steve Ortega and unanimously carried to **DELETE** discussion and action to change the scope of duties to municipal judge and to create a court clerk position for the 2005--2006 Fiscal Year.

.....
 Motion made, seconded and carried that the City **REJECT THE SETTLEMENT DEMAND** in the lawsuit entitled Isabel Burke and Cecilia Aguirre vs. City of El Paso; Cause No. EP-03-CA-0426-FM in the U.S. District Court for the Western District of Texas and providing the City Attorney's Office with settlement authority as recommended by the City Attorney's Office.

.....
 Motion made by Representative Presi Ortega, Jr., seconded by Representative Steve Ortega and unanimously carried to **ADJOURN** this meeting at 12:05 p.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk